

REMARKS

I. Claim Status/Amendments to Specification

Claims 1-42 and 68, drawn to the non-elected inventions, have been cancelled without prejudice to further prosecution in one or more continuation or divisional applications. The Specification has been amended to specify the U.S. application serial numbers that correspond to applications previously identified by attorney docket numbers and filing dates. These serial numbers had not yet been assigned by the U.S.P.T.O. at the time of filing of the present application. The Specification has also been amended to remove inadvertent underscoring on page 63. No new matter is being introduced by the subject amendments. Accordingly, claims 43-67 are now pending.

II. Obviousness Double Patenting Rejection

Claims 43-67 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting over claims of co-pending Application No. 10/639,159. A terminal disclaimer is submitted herewith. Accordingly, withdrawal of the obviousness double patenting rejection is respectfully requested.

III. Prior Art of Record

Applicants would like to thank the Examiner for the indication that the references of record do not anticipate or suggest the claimed invention.

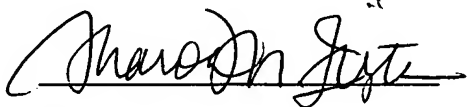
IV. Supplemental IDS

Applicants respectfully request the Examiner's consideration of the Supplemental IDS being filed concurrently herewith.

In light of the foregoing amendments and remarks, it is believed that the application is in condition for allowance. Accordingly, reconsideration and favorable action on all claims is earnestly solicited. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set forth below. The Commissioner is hereby authorized to charge any deficiency in fees or credit any overpayment to Deposit Account No. 50-0990.

Respectfully submitted,

April 12, 2006

By: 

MAXYGEN, INC.
Intellectual Property Department
515 Galveston Drive
Redwood City, California 94063
(650) 298-5421 (Telephone)
(650) 298-5446 (Facsimile)
Customer No. 30560

Sharon M. Fujita
Attorney for Applicants
Reg. No. 38,459